

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, DECEMBER 9, 2004  
9:30 A.M.**

Commissioners Present: Ray Stevens, Chair  
Bernie Heier  
Bob Workman  
Deb Schorr

Commissioners Absent: Larry Hudkins, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 9:32 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE STAFF MEETING MINUTES OF THURSDAY,  
DECEMBER 2, 2004**

**MOTION:** Heier moved and Workman seconded approval of the Staff Meeting minutes of December 2, 2004. Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

A. New Computer for Commissioner Heier

**MOTION:** Workman moved and Heier seconded approval of the addition to the agenda. Workman, Stevens and Heier voted aye. Schorr was absent from voting. Motion carried.

Item was not addressed at the meeting.

Schorr arrived at 9:34 a.m.

## ADMINISTRATIVE OFFICER REPORT

### E. Investment of Renewal & Replacement Funds (Lancaster Manor)

Dave Kroeker, Budget and Fiscal Officer, appeared and reported on a recommendation from Roger E. Thompson, Seim, Johnson, Sestak & Quist, LLP, that the outstanding bonds related to Lancaster Manor not be paid off at this time, for the following:

- Interest cost is predominantly a pass-through cost in the State of Nebraska Medicaid rate payment system.
- If the renewal and replacement funds are utilized to pay off the bonds, no money will remain for unexpected capital needs and improvements.
- The State is currently going through a change in its Medicaid reimbursement system to long-term care facilities. This change could have a detrimental impact on Lancaster Manor. Based on Lancaster Manor's June 30, 2004 Medicaid Long-Term Care Cost Report, it appears that Lancaster Manor's cost for several components will exceed allowable amounts by the State. A portion of the difference will be made up through inter-governmental transfer payments, however a shortfall will still exist. The Renewal and Replacement Fund may be needed to support operations for a short period of time.

Kroeker said if the County pays the bonds off on July 15, 2005, there will be \$980,000 remaining which could be placed in a reserve fund to benefit Lancaster Manor. Funding of an operating costs shortfall was given as an example. He recommended a change in investment strategy if the Board elects not to pay off the bonds. A decision is needed by the middle of January, 2005.

Board consensus was to schedule further discussion with Thompson and Larry Van Hunnik, Lancaster Manor Administrator.

### **3 DRUG COURT DATABASE** - Kim Etherton, Community Corrections Director

Kim Etherton, Community Corrections Director, discussed options for a data management system for the Adult Drug Court (Exhibit A) and recommended that the County enter into an interlocal agreement with Douglas County for a data base system. She compared the setup cost of \$5,456 to the \$15,000 it will cost to have Information Systems design a database system. Etherton said the Central Nebraska Drug Court is willing to share, at no cost, a server managed by the University of Nebraska at Kearney. An interlocal agreement would be required.

**MOTION:** Workman moved and Schorr seconded to authorize Kim Etherton, Community Corrections Director, to proceed with development of an interlocal agreement for the database system, with the understanding that funding will be through the existing agency budget. Schorr, Heier, Workman and Stevens voted aye. Motion carried.

- 4 A) COUNTY CHANGE OF ZONE NO. 04074, AGRICULTURAL (AG) TO AGRICULTURAL RESIDENTIAL (AGR), SPECIAL PERMIT NO. 04058, COMMUNITY UNIT PLAN, PRELIMINARY PLAT NO. 04028 AND FINAL PLAT NO. 04126, LAKEWOOD HILLS, 84<sup>TH</sup> STREET AND AGNEW ROAD; B) SPECIAL PERMIT NO. 04048, COMMUNITY UNIT PLAN AND PRELIMINARY PLAT NO. 04022, ADAMS STREET ACREAGES, 162<sup>ND</sup> AND ADAMS STREET; AND 3) FINAL PLAT NO. 04121, TIMBERLINE ESTATES 2<sup>ND</sup> ADDITION, SOUTHWEST 58<sup>TH</sup> STREET AND PINE KNOT DRIVE - Mike DeKalb, Planning Department**

#### **A) Lakewood Hills**

Mike DeKalb, Planning Department, gave an overview of Change of Zone No. 04074, Lakewood Hills Community Unit Plan; Special Permit No. 04058; Preliminary Plat No. 04028; and Final Plat No. 04126. The request is for a change of zone from Agricultural (AG) to Agricultural Residential (AGR) and a community unit plan, preliminary plat and final plat for nine acreage residential units (Exhibit B) on 84<sup>th</sup> Street and Agnew Road. He said the change of zone is not in compliance with the Comprehensive Plan and the applicant is requesting a form of contract zoning which would tie the property to the lots as shown. DeKalb noted the history and uniqueness of the property and said the applicant believes his efforts to enhance the environment and character of the land are justification for the request. Staff has recommended denial of the change of zone and conditional approval of the other pieces, if the change of zone is approved. There is a recommendation of denial from the Planning Commission.

Heier noted that the Board had approved five lots on this property and questioned whether the applicant had altered the road location.

Robert Lookabaugh, applicant, appeared and said his engineer believes the road is in compliance.

Workman expressed concern that this could be construed as "spot zoning".

DeKalb said there is language in the Comprehensive Plan relative to environmental preservation and enhancement. It also addresses provision of protections and bonuses.

Workman asked whether the Board can give the applicant a bonus.

Kerry Eagan, Chief Administrative Officer, said it can, if it codifies it.

DeKalb said there is no provision for a bonus under AG zoning. The applicant is asking for AGR zoning, which provides for thirty-three lots, but is agreeing to a limitation of nine. He said the applicant would be getting a bonus by going through the change of zone process and limiting the number of lots.

### **B) Adams Street Acreages**

DeKalb gave an overview of Special Permit No. 04048 and Preliminary Plat No. 04022, Adams Street Acreages, a community unit plan and preliminary plat for four acreage residential units at a location one half mile east of North 148<sup>th</sup> and Adams Street (Exhibit C). There is a recommendation of conditional approval from Staff and the Planning Department.

### **C) Timberline Estates**

DeKalb gave an overview of County Final Plat No. 04121, Timberline Estates 2<sup>nd</sup> Addition, a final plat consisting of two lots on Southwest 56<sup>th</sup> Street and Pine Knot Drive (there is split jurisdiction between the City and County) (Exhibit D). He said the applicant would like to split a six acre lot into two, three acre lots, which is allowable under the Agricultural Residential (AGR) zoning. The final plat is in conformance with subdivision regulations and there is a recommendation of approval from Staff and the Planning Commission. DeKalb noted that the initial application for Timberline Estates consisted of a change of zone and a preliminary plat with twice as many lots shown. Staff recommended denial and a revised plat was submitted, reducing the number of lots. The Board approved the change of zone and revised preliminary plat, but did not attach conditions to limit the number of lots.

Stevens said the Board has received three e-mails in opposition, two of which were anonymous in nature, and questioned whether anonymous communications should be accepted.

DeKalb agreed to discuss the matter with the Planning Director and suggested that the Board discuss what it is willing to accept.

- 5 REMOVAL OF BRICK MAILBOXES AND PAVED DRIVEWAYS FROM COUNTY RIGHT-OF-WAY** - Kristy Mundt, Deputy County Attorney;  
Doug Pillard, County Engineering

Kristy Mundt, Deputy County Attorney, said she and Doug Pillard, County Engineering, have been working to get brick mailboxes that are in the county right-of-way removed. She said one landowner has refused, claiming he received permission from County Engineering to place his mailbox in the right-of-way. Mundt said she will send his attorney of record a letter stating he will need to remove the mailbox, or come before the Board to provide an explanation, by March 1, 2005. If he does not do so, County Engineering will remove the mailbox under authority provided in State Statute § 39-301.

The issue of paved driveways in the county right-of-way was also discussed.

Pillard said the paving interferes with maintenance of gravel roads and snow removal.

Mundt indicated plans to take the same course of action.

#### **6 SHERIFF STAFFING - Bill Jarrett, Chief Deputy Sheriff**

Bill Jarrett, Chief Deputy Sheriff, said an employee in the Civil Division will be taking up to eight weeks of medical leave and requested authorization to hire a temporary employee to cover the absence. He said the Sheriff's Office should be able to absorb the additional cost in its budget.

**MOTION:** Workman moved and Schorr seconded approval of the request. Workman, Stevens, Heier and Schorr voted aye. Motion carried.

#### **7 MOTOCROSS UPDATE - Dr. David Samani**

Dr. David Samani said the Ethel S. Abbott Charitable Foundation and Lincoln Sports Foundation, owners of the Abbott Sports Complex site, 7600 North 70<sup>th</sup> Street, have approached him to suggest building a national caliber motocross track in the floodplain east of the soccer fields (see map in Exhibit E). He said Arbor Road would need to be finished to serve as an entrance to the motocross track and offered to assist with the improvement.

Schorr suggested that Samani update the Motorcross Task Force.

Schorr exited the meeting at 11:00 a.m.

### **ADMINISTRATIVE OFFICER REPORT**

- C. Claims for Review from Families First & Foremost (F<sup>3</sup>):
1. PV782-6786, dated November 16, 2004, payable to Christian Heritage in the amount of \$1,937.50. Payment is for services provided during May, 2004. Claim is beyond the 90 day time period (see State Statute § 23-135).
  2. PV782-6780, dated November 16, 2004, payable to Visinet, Inc. in the amount of \$330.96. Payment is for services provided during February through July, 2004. Claim is beyond the 90 day time period (see State Statute § 23-135).
  3. PV782-6790, dated November 16, 2004, payable to Cedars Youth Services in the amount of \$2,862.60. Payment is for services provided during February through June, 2004. Claim is beyond the 90 day time period (see State Statute § 23-135).
  4. PV782-6872, dated November 30, 2004, payable to Katy Hilgenkamp in the amount of \$142.10. Payment is for foster care and respite services provided in June through August, 2004. Claim is beyond the 90 day time period (see State Statute § 23-135).

Sheryl Schrepf, Families First & Foremost (F<sup>3</sup>) Director, appeared and said three of the claims involved care coordinator error (not getting authorization out in a timely manner) and the remaining claim billing of another funding source that did not come through. She recommended payment of the claims.

Heier questioned whether the County is being sufficiently reimbursed for administration costs related to Integrated Care Coordination Unit (ICCU) contract. He also expressed concern regarding measurement of program success.

Schrepf suggested that F<sup>3</sup> assume responsibility for the evaluation piece.

**8 POTENTIAL AND PENDING LITIGATION; PERSONNEL MATTER -**  
Mike Thew, Chief Deputy County Attorney

**MOTION:** Workman moved and Heier seconded to enter Executive Session at 11:04 a.m. for discussion of potential and pending litigation and a personnel matter. Heier, Workman and Stevens voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting.

Heier exited the meeting at 12 p.m.

**MOTION:** Workman moved and Stevens seconded to exit Executive Session at 12:44 p.m. Schorr, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

## **9 ACTION ITEMS**

A. Microcomputer Request from Veterans Services/General Assistance, \$1,796.05 from the Veterans Services/General Assistance Budget for Two (2) Computers, 17" Monitors, License and Software

**MOTION:** Schorr moved and Workman seconded approval. Workman, Schorr and Stevens voted aye. Heier was absent from voting. Motion carried.

B. Payroll Insert on December 16, 2004 (Safety Flyer)

**MOTION:** Schorr moved and Workman seconded approval. Schorr, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

## **10 ADMINISTRATIVE OFFICER REPORT**

A. Chief Deputy Salaries (Elected Officials)

Eagan said he is awaiting the November figures for the Consumer Price Index for all Urban Consumers in the Midwest Region. **NOTE:** The elected officials will receive the Consumer Price Index percentage or a 2.5 percent salary increase, whichever is greater. The chief deputies receive a percent of their respective elected official's salary, in most cases 95 percent.

B. National Association of County Officials (NACo) Legislative Conference (March 4-8, 2005)

There were no plans to attend.

C. Claims for Review from Families First & Foremost (F<sup>3</sup>):

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Item moved forward on the agenda.

D. Health Insurance Portability & Accountability Act (HIPAA) Update

Gwen Thorpe, Deputy Chief Administrative Officer, said there will need to be minor changes to the United Health Care plan to meet HIPAA requirements.

E. Investment of Renewal & Replacement Funds (Lancaster Manor)

Item moved forward on the agenda.

F. Mid-Year Budget Retreat Memo

There was no objection to the wording of the memorandum (see agenda packet).

G. E-Bay

Thorpe said Information Services (IS) has restricted access to eBay's website. The Sheriff's Office has indicated a need for access and IS has offered to make a stand-alone computer available, at a minimal cost.

**MOTION:** Schorr moved and Workman seconded to authorize the County Sheriff to have access to eBay, as needed, and to cover the cost. Schorr, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

## 11 DISCUSSION OF BOARD MEMBER MEETINGS

A. Parks & Recreation Advisory Board Retreat - Schorr

No report.

B. Monthly Meeting of County Board Chair, Vice Chair and Mayor - Stevens, Hudkins

Stevens reported discussion of the following issues: 1) Local match for the State Fair; 2) City/County website; 3) Jail interlocal agreement; 4) Downtown Master Plan; 5) Antelope Valley Study; 6) 48<sup>th</sup> & O Street redevelopment; 7) Land use design process; and 8) Proposal to increase the lodging tax.

- C. Monthly Meeting of Public Building Commission Chair, Vice Chair and Mayor - Hudkins

No report.

- D. Joint Budget Committee (JBC) - Workman, Stevens

Workman said the committee discussed the Request for Proposals (RFP) for human services planning.

- E. Railroad Transportation Safety District (RTSD) - Workman, Stevens, Schorr

Schorr reported a transfer of funds from the Harris Street Overpass account to the Southwest 40<sup>th</sup> Environmental Study account.

- F. Lincoln-Lancaster County Ecological Advisory Committee (EAC) - Heier

No report.

- G. Lincoln Partnership for Economic Development (LPED) Investors - Stevens

No report.

- H. Public Building Commission - Hudkins, Workman

No report.

- I. Nebraska Association of County Officials (NACO) Board - Workman

Workman reported on the legislative platform.

## 12 ADJOURNMENT

**MOTION:** Workman moved and Schorr seconded to adjourn the meeting at 12:51 p.m. Schorr, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk